

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

SHAWN L. DUNN, #1686724	§	
VS.	§	CIVIL ACTION NO. 6:15cv737
JEFFREY CATOE, ET AL.	§	

ORDER OF PARTIAL DISMISSAL

Plaintiff Shawn L. Dunn, an inmate confined at the Beto Unit of the Texas prison system, proceeding *in forma pauperis* and *pro se*, filed the above-styled and number civil lawsuit. The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation (docket entry #58) for the disposition of the lawsuit. The Plaintiff has filed objections (docket entry #63).

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit.

With respect to the Plaintiff's objections about the new prison policy regarding beards, he complains that the new policy requires inmates to cut their beards on their birthdays. His objections raise a new claim that was not in his complaint. Issues raised for the first time in objections are not properly before the Court. *Cupit v. Whitley*, 28 F.3d 532, 535 n.5 (5th Cir. 1994); *Harrison v. Smith*, 83 F. App'x 630, 631 (5th Cir. 2003). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly


ORDERED that the Report and Recommendation (docket entry #58) is **ADOPTED**. It is further

ORDERED that Defendants Catoe, Calhoun and Shabazz's motion to dismiss (docket entry #37) is **GRANTED** and the claims against them are **DISMISSED** with prejudice. It is further

ORDERED Defendant Becraft's motion to dismiss is **GRANTED**, although it only concerns official capacity claims against him for monetary damages, and the Plaintiff may otherwise continue to proceed against him with his denial of access to court claim.

It is SO ORDERED.

SIGNED this 23rd day of February, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE